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SUBJECT: PRESIDENT TOMEING SURVIVES NO-CONFIDENCE MOTION

REF: MAJURO 0028

CLASSIFIED BY: Clyde Bishop, Ambassador, EAP/ANP/Majuro, DOS.
REASON: 1.4 (d)

¶1. (U) SUMMARY: In an action packed two days, the RMI saw a major Constitutional ruling from the courts, a major shake-up in the Cabinet, and a failed vote of no-confidence (VONC) in the President. The political parties in the RMI have realigned with a new United Democratic Party (UDP)/United People's Party (UPP) coalition in government. The Our Islands (AKA) Party is back in opposition. However, there is some speculation this arrangement could become unstable in the next few months. END SUMMARY

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Background and legal ramifications

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¶2. (U) The lingering vote of no-confidence motion that had paralyzed the GRMI since March 27 finally came to a head late Friday evening when the Attorney General filed a motion for Declaratory Relief before the High Court. At issue was the meaning of the Constitutional provision establishing the time frame in which a VONC must take place. After an emergency hearing, High Court Chief Justice Ingram issued a ruling stating the Constitutional mandate that a VONC must be held within five to ten days of its official filing should be read as calendar days and not Nitijela sitting days, as the Speaker of the Nitijela had interpreted it. This resulted in the Nitijela meeting in an emergency session Saturday morning on April 18, rather than holding the VONC on April 22 as originally planned.

¶3. (C) The legal ruling marks something of a Constitutional milestone for the RMI. There have been very few cases where the Court has been asked to rule on substantive issues of Constitutional interpretation, and even fewer where it has overruled a decision by another branch of the GRMI. It can be considered a significant step forward for the RMI judiciary and a boost to their authority that the ruling was issued and complied with, though after much grumbling on the part of the Speaker. The ruling also clarified that a VONC cannot fail due to 'timing out' and that if the vote does not take place within the prescribed time period, the proper remedy is for the High Court to set a date for the vote at the request of any party.

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Cabinet reorganization

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¶4. (U) The emergency meeting of the Nitijela began with the official recognition of four changes in the Cabinet line-up. Minister in Assistance Loeak, Minister of Public Works Bien, Minister of Resources and Development Muller, and Minister of Transportation and Communication Momotaro were all removed from their posts. Senators R. Zackhras, M. Zackhras, Kedi and Alfred were all made Ministers, though they have not been officially assigned portfolios. However there is still some speculation that further changes are in the offing as Minister of Finance Adding has expressly stated he feels he may be

replaced soon.

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The Vote

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15. (C) Several hours were spent debating the propriety of holding the vote and in attempts by the Speaker to delay the vote until Monday. Many of the supporters of the new coalition pushed hard for a role call vote on the VONC to be held immediately, but the Speaker simply ignored their motions. None of the main supporters of the VONC motion spoke in its defense, and especially noticeable was the silence of Senator deBrum, widely considered the primary force behind the motion. The core of the AKA faction seemed content for their side of the debate to be carried by the Speaker and Senator Rein Morris, a former UDP minister. The motion's opponents finally won the day through a compromise put forward by Minister of Foreign Affairs Silk to hold the vote through secret ballot. Prior to the

voting President Tomeing delivered a strong speech in support of his administration and defending his foreign born advisors, whose supposedly undue influence was the expressed cause of the VONC. The President said he relied on them to such an extent simply because they could be relied upon to be at work and available when he needed them and many former supporters could not. He noted that several Ministers did not show up for meetings or keep the President informed of their work or travel schedules. This was an uncharacteristically blunt statement, and exceptionally notable in the context of a culture that seeks to avoid public confrontation.

16. (S) The final vote was 14 to 18 in the President's favor, and might have been 14 to 19 had Minister Kramer been on island. While the secret ballot prevents knowing with certainty how votes were cast, the behavior and statements of the Senators in the run up to the vote does enable some enlightened speculation. The core of the old AKA party seems intact and includes first term Senators Muller and Momotaro. In addition, it is likely the motion gained support from former President Note and Senator Morris. These last two votes are likely motivated by personal animosity and bitterness at the President. The governing coalition appears to have kept all the other UDP and UPP votes while likely bringing Minister Adding over to the President's side.

17. (S) COMMENT: If Post's assessment of the vote breakdown is correct the current coalition stands a good chance of remaining stable for the foreseeable future as it would appear Note may have finally lost his loyalists in the UDP. However, there is still the chance he could pull enough support to upset the balance of power during the next Nitijela session in August. Note remains very angry at what he sees as his betrayal by President Tomeing, and personal feelings often trump politics in the RMI. The attempts to delay the vote by the Speaker were also troubling. First, they contemplated disregarding a valid ruling of the Judicial branch on a matter of Constitutional interpretation, something that could have severely undermined the rule of law in the RMI. Second, they showed the Speaker acting in a fairly partisan fashion, something that is contrary to how the Constitution defines his role. It also appears the four nuclear affected atolls have thrown their support behind the President, with three of their Senators in Ministerial positions and the fourth a sure supporter. This realignment is likely the result of the handling of Senate Bill 1756 by Senator deBrum during his tenure at MoFA. The Four Atolls leadership was greatly disappointed when the bill died due to lack of support from the GRMI. They were especially upset with the attitude of Senator deBrum who called the bill "insulting." END COMMENT.

BISHOP